

ORIGINAL

NEW APPLICATION



0000020878

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
KRISTIN K. MAYES
WILLIAM MUNDELL
MARC SPITZER
MIKE GLEASON

2005 JUN 22 P 4: 51

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 22 2005

DOCKETED BY

IN THE MATTER OF THE
INSTALLATION OF YIELD OR STOP
SIGNS BELOW CROSSBUCKS
AT ALL 82 UNION PACIFIC RAILROAD
PUBLIC CROSSINGS CURRENTLY
PROTECTED ONLY BY CROSSBUCKS

DOCKET NO. RR-03639A-05-0450

UNION PACIFIC RAILROAD
COMPANY'S APPLICATION
FOR AUTHORITY TO INSTALL
YIELD OR STOP SIGNS BELOW
CROSSBUCKS AT ALL 82 UNION
PACIFIC RAILROAD CROSSINGS
CURRENTLY PROTECTED ONLY
BY CROSSBUCKS

Applicant Union Pacific Railroad Company ("Union Pacific"), whose post office address is 1255 South Campbell Avenue, Tucson, Arizona 85713, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., pursuant to A.A.C. R14-3-106(F) and R14-3-107 and A.R.S. § 40-337(B)(1), hereby applies for authority to install, at its own cost, yield signs or stop signs below the crossbuck signs at all 82 Union Pacific railroad-highway public grade crossings that are currently protected only by crossbucks. The reasons for this application follow, supported by the Affidavit of James H. Smith, attached hereto as Exhibit A. A list of the 82 public grade crossings that would be affected is attached to Mr. Smith's Affidavit as Exhibit 1.

1. The Transportation Research Board's National Cooperative Highway Research Program ("NCHRP") Report 470, *Traffic-Control Devices for Passive Railroad-Highway Grade Crossings* (2002) recommended that either a yield sign or a stop sign be displayed in conjunction with a crossbuck sign, preferably on the same sign support, at all passive (non-signalized) public

1 highway-rail grade crossings. The United States Department of Transportation ("USDOT")'s
2 Technical Working Group ("TWG")'s Report, *Guidance on Traffic Control Devices at Highway-*
3 *Rail Grade Crossings* (2002) made a similar recommendation.

4 2. In light of the foregoing, the Railroad and Light Rail Transit Highway Grade
5 Crossings Technical Committee of the National Committee on Uniform Traffic Control Devices
6 ("NCUTCD"), with the encouragement and support of public agencies, the Federal Railroad
7 Administration, and railroad industry representatives, has developed revised language for the
8 Manual on Uniform Traffic Control Devices ("MUTCD") Part 8B to incorporate the
9 recommendations of both USDOT's TWG's report and the NCHRP Report 470 that yield signs or
10 stop signs be added to crossbucks at all passive highway-rail grade crossings.

11 3. On September 20, 2004, the Railroad and Light Rail Transit Highway Grade
12 Crossings Technical Committee of the NCUTCD asked the Federal Highway Administration
13 ("FHWA") to grant interim approval of the NCUTCD's recommended changes to the MUTCD
14 concerning the addition of yield or stop signs to crossbucks at all passive highway-rail grade
15 crossings. However, the FHWA responded that it cannot grant interim approval of this request
16 because it would result in a change to a "standard" in the MUTCD, requiring that formal rule-
17 making procedures be followed. The FHWA will therefore consider the addition of yield signs or
18 stop signs to crossbucks at passive crossings during the next MUTCD rule-making cycle, set to
19 begin in 2006.

20 4. There are 82 public crossings of roadways with Union Pacific's railroad tracks
21 within the State of Arizona that are currently protected only by crossbuck signs. Exhibit 1 attached
22 to the Affidavit of James H. Smith, attached hereto as Exhibit A, identifies each of those crossings.

23 5. Union Pacific believes that public safety at highway-rail grade crossings that are
24 currently protected only with crossbucks can be significantly improved by adding yield or stop
25
26

1 signs to the crossbucks at those crossings while the FHWA is complying with its rule-making
2 procedures concerning revision of the MUTCD on this issue.

3 6. If the Commission grants the authority requested herein, Union Pacific intends to
4 ask the highway authority having jurisdiction over the roadway approach whether the highway
5 authority would prefer that yield signs or stop signs be installed below the crossbucks at each
6 affected crossing. If a highway authority having jurisdiction of the roadway approach fails to
7 respond within 60 days, Union Pacific will assume the highway authority would prefer that yield
8 signs be installed rather than stop signs.
9

10 7. If the Commission grants the authority requested herein, Union Pacific will proceed
11 to install yield signs or stop signs at each of the 82 affected crossings, in accordance with the
12 wishes of the highway authority and the applicable NCUTCD's recommended changes to the
13 MUTCD Part 8B for such installation, including the recommended height and placement of such
14 signs on the crossbuck support.

15 For the foregoing reasons, Union Pacific respectfully applies for authority to install, at its
16 own cost, yield signs or stop signs below the crossbuck signs at all 82 Union Pacific railroad-
17 highway public grade crossings that are currently protected only by crossbucks.

18 RESPECTFULLY SUBMITTED this 22nd day of June, 2005.
19

20 BEAUGUREAU, ZUKOWSKI
& HANCOCK, P.C.

21
22 By: Terrance L. Sims
23 Anthony J. Hancock
Ernest Collins, Jr.
Terrance L. Sims
24 2111 E. Highland Avenue, #255
25 Phoenix, Arizona 85016
Attorneys for Applicant Union
26 Pacific Railroad Company

1 ORIGINAL AND THIRTEEN COPIES
2 of the foregoing filed this 22nd day of
3 June, 2005, with:

4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 COPY of the foregoing mailed this
8 22nd day of June, 2005, to:

9 Timothy J. Sabo, Esq.
10 Attorney, Legal Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Mary Ann Palmer
15 Mary Ann Palmer
16
17
18
19
20
21
22
23
24
25
26

A

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER, Chairman
4 KRISTIN K. MAYES
5 WILLIAM MUNDELL
6 MARC SPITZER
7 MIKE GLEASON

| | | | |
|----|----------------------------------|---|---------------------------------------|
| 7 | IN THE MATTER OF THE |) | DOCKET NO. _____ |
| 8 | INSTALLATION OF YIELD OR STOP |) | |
| 9 | SIGNS BELOW CROSSBUCKS |) | AFFIDAVIT OF JAMES H. SMITH |
| 10 | AT ALL 82 UNION PACIFIC RAILROAD |) | IN SUPPORT OF UNION PACIFIC |
| 11 | PUBLIC CROSSINGS CURRENTLY |) | RAILROAD COMPANY'S |
| 12 | PROTECTED ONLY BY CROSSBUCKS |) | APPLICATION FOR AUTHORITY |
| 13 | |) | TO INSTALL YIELD OR STOP SIGNS |
| | |) | BELOW CROSSBUCKS AT ALL 82 |
| | |) | UNION PACIFIC RAILROAD |
| | |) | CROSSINGS CURRENTLY |
| | |) | PROTECTED ONLY BY |
| | |) | CROSSBUCKS |

14 James H. Smith, being first duly sworn upon his oath, states as follows:

15 1. I am over the age of eighteen, and I have personal knowledge of the facts stated
16 herein.

17 2. I am employed by Union Pacific Railroad Company as Manager of Industry and
18 Public Projects and I have responsibility for the State of Arizona.

19 3. The Transportation Research Board's National Cooperative Highway Research
20 Program ("NCHRP") Report 470, *Traffic-Control Devices for Passive Railroad-Highway Grade*
21 *Crossings* (2002) recommended that either a yield sign or a stop sign be displayed in conjunction
22 with a crossbuck sign, preferably on the same sign support, at all passive (non-signalized) public
23 highway-rail grade crossings. The United States Department of Transportation ("USDOT")'s
24 Technical Working Group ("TWG")'s Report, *Guidance on Traffic Control Devices at Highway-*
25 *Rail Grade Crossings* (2002) made a similar recommendation.

1 4. In light of the foregoing, the Railroad and Light Rail Transit Highway Grade
2 Crossings Technical Committee of the National Committee on Uniform Traffic Control Devices
3 ("NCUTCD"), with the encouragement and support of public agencies, the Federal Railroad
4 Administration, and railroad industry representatives, has developed revised language for the
5 Manual on Uniform Traffic Control Devices ("MUTCD") Part 8B to incorporate the
6 recommendations of both USDOT's TWG's report and the NCHRP Report 470 that yield signs or
7 stop signs be added to crossbucks at all passive highway-rail grade crossings.
8

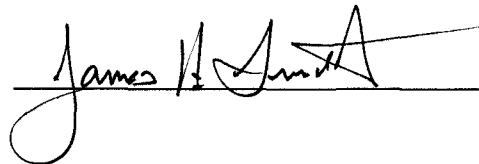
9 5. On September 20, 2004, the Railroad and Light Rail Transit Highway Grade
10 Crossings Technical Committee of the NCUTCD asked the Federal Highway Administration
11 ("FHWA") to grant interim approval of the NCUTCD's recommended changes to the MUTCD
12 concerning the addition of yield or stop signs to crossbucks at all passive highway-rail grade
13 crossings. However, the FHWA responded that it cannot grant interim approval of this request
14 because doing so would result in a change to a "standard" in the MUTCD, requiring that formal
15 rule-making procedures be followed. The FHWA will therefore consider the addition of yield
16 signs or stop signs to crossbucks at passive crossings during the next MUTCD rule-making cycle,
17 set to begin in 2006.
18

19 6. There are 82 public crossings of roadways with Union Pacific's railroad tracks
20 within the State of Arizona that are currently protected only by crossbuck signs. Exhibit 1 attached
21 hereto identifies each of those crossings.

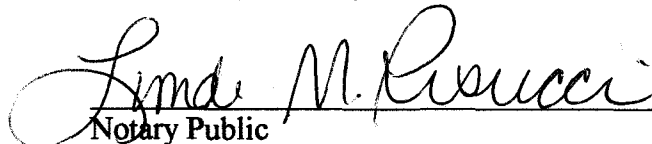
22 7. Union Pacific believes that public safety at highway-rail grade crossings that are
23 currently protected only with crossbucks can be significantly improved by adding yield or stop
24 signs to the crossbucks at those crossings while the FHWA is complying with its rule-making
25 procedures concerning revision of the MUTCD on this issue.
26

1 8. If the Commission grants the authority requested herein, Union Pacific intends to
2 ask the highway authority having jurisdiction over the roadway approach whether the highway
3 authority would prefer that yield signs or stop signs be installed below the crossbucks at each
4 affected crossing. If a highway authority having jurisdiction of the roadway approach fails to
5 respond within 60 days, Union Pacific will assume the highway authority would prefer that yield
6 signs be installed rather than stop signs.

7
8 9. If the Commission grants the authority requested herein, Union Pacific will proceed
9 to install yield signs or stop signs at each of the 82 affected crossings, in accordance with the
10 wishes of the highway authority and the applicable NCUTCD's recommended changes to the
11 MUTCD Part 8B for such installation, including the recommended height and placement of such
12 signs on the crossbuck support.

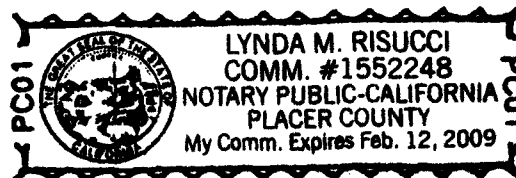
13
14 
15

16 SUBSCRIBED AND SWORN TO before me this 16th day of June, 2005.

17
18 
19 Notary Public

20 My Commission Expires:

21 02/12/09
22
23
24
25
26



1

Summary DOT list

State: AZ
 Crossing Type: Public
 Grade Type: At Grade
 Status: Active

List of 401 Dot's ordered by Mile Valu

| Dot Nbr. | Mile Value | Warning Device | Surface Type | Traincount | Speed | Street | City |
|----------|------------|----------------|------------------|------------|--------|-------------------|-------------|
| 742158L | 1005.37 | XBucks | Wood Plank | 0 / 0 | 0 / 30 | CAMINO DE LAS QUI | SAHUARITA |
| 741677K | 931.59 | XBucks | Asphalt | 0 / 2 | 0 / 25 | RYAN STREET | CHANDLER |
| 741679Y | 932.6 | XBucks | Gravel | 0 / 2 | 0 / 25 | APPLEBY RD | CHANDLER |
| 741703X | 941.13 | XBucks | Gravel | 0 / 2 | 0 / 25 | BU INDIAN AFFAIRS | SACATON |
| 741704E | 941.84 | XBucks | Gravel | 0 / 2 | 0 / 25 | DAY SCHOOL RD | SACATON |
| 741706T | 942.89 | XBucks | Asphalt | 0 / 2 | 0 / 25 | BU INDIAN AFFAIRS | SACATON |
| 741890H | 1215.44 | XBucks | Asphalt | 1 / 1 | 0 / 10 | SEVENTH ST | CLIFTON |
| 760781F | 733.35 | XBucks | Concrete Slab | 0 / 0 | 0 / 10 | 10TH STREET | YUMA |
| 760915C | 737.69 | XBucks | Rubber | 0 / 0 | 0 / 25 | GROWERS AVE. | YUMA |
| 742078T | 808.35 | XBucks | Concrete Slab | 16 / 16 | 0 / 70 | IRONWOOD RANCH RO | DATELAND |
| 742090A | 826.04 | XBucks | Wood Plank | 16 / 16 | 0 / 70 | SENTINEL RD | DATELAND |
| 741359Y | 916.82 | XBucks | Rubber | 0 / 0 | 0 / 10 | WEST MAIN AVE | CASA GRANDE |
| 741365C | 919.15 | XBucks | Asphalt | 0 / 0 | 0 / 60 | HERMOSILLO ST | CASA GRANDE |
| 741369E | 920.95 | XBucks | Gravel | 0 / 0 | 0 / 10 | MAIN AVE | CASA GRANDE |
| 741370Y | 921.14 | XBucks | Gravel | 0 / 0 | 0 / 10 | MAIN AVE | CASA GRANDE |
| 741788C | 890.26 | XBucks | Asphalt | 0 / 0 | 0 / 10 | YUMA ROAD | GOODYEAR |
| 741296V | 989.42 | XBucks | Asphalt | 0 / 0 | 0 / 15 | CONTRACTORS WAY | TUCSON |
| 748724P | 1062.59 | XBucks | Sectional Timber | 2 / 0 | 0 / 79 | COCHISE STR RD | COCHISE |
| 742105M | 988.69 | XBucks | Asphalt | 0 / 0 | 0 / 10 | EUCLID | TUCSON |
| 742113E | 988.92 | XBucks | Asphalt | 0 / 0 | 0 / 10 | FLETCHER | TUCSON |
| 742002M | 1021.35 | XBucks | Sectional Timber | 1 / 0 | 0 / 40 | AGUA CALIENTE RD | AMADO |
| 742005H | 1025.65 | XBucks | Sectional Timber | 1 / 0 | 0 / 25 | CHAVEZ SIDING ROA | AMADO |
| 742007W | 1027.95 | XBucks | Sectional Timber | 1 / 0 | 0 / 40 | RIVER AVE EAST | TUBAC |
| 742035A | 1046.22 | XBucks | Sectional Timber | 1 / 0 | 0 / 25 | WESCONDIDO DRIVE | NOGALES |
| 741772F | 875.58 | XBucks | Concrete Slab | 0 / 0 | 0 / 25 | MILLER RD | BUCKEYE |
| 748499A | 894.5 | XBucks | Concrete Slab | 0 / 0 | 0 / 10 | 104TH AVENUE | TOLLESON |
| 920123B | 896.48 | XBucks | Concrete Slab | 0 / 0 | 0 / 10 | WASHINGTON STREET | TOLLESON |

| | | | | | | | |
|---------|--------|--------|-------------------|-------|--------|-------------------|---------|
| 748385M | 900.08 | XBucks | Asphalt | 0 / 0 | 0 / 25 | JEFFERSON STREET | PHOENIX |
| 748384F | 900.22 | XBucks | Asphalt | 0 / 0 | 0 / 25 | WASHINGTON STREET | PHOENIX |
| 748166Y | 900.43 | XBucks | Asphalt | 0 / 0 | 0 / 25 | BUCHANAN STREET | PHOENIX |
| 748169U | 900.64 | XBucks | Wood Plank | 0 / 0 | 0 / 25 | HADLEY STREET | PHOENIX |
| 748792R | 901.18 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 47TH AVENUE | PHOENIX |
| 748165S | 901.19 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 47TH AVENUE | PHOENIX |
| 411747M | 901.2 | XBucks | Concrete Slab | 0 / 0 | 0 / 10 | 47TH AVENUE | PHOENIX |
| 411746F | 901.21 | XBucks | Concrete Slab | 0 / 0 | 0 / 10 | 47TH AVENUE | PHOENIX |
| 748167F | 901.22 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 47TH AVENUE | PHOENIX |
| 748793X | 901.45 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 45TH AVENUE | PHOENIX |
| 748796T | 901.7 | XBucks | Asphalt | 0 / 0 | 0 / 10 | WEST WASHINGTON | PHOENIX |
| 741025R | 901.71 | XBucks | Asphalt | 0 / 0 | 0 / 10 | JEFFERSON | PHOENIX |
| 748794E | 901.99 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 41ST AVE | PHOENIX |
| 748290E | 902 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 37TH AVENUE | PHOENIX |
| 748795L | 902.03 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 41ST AVE. | PHOENIX |
| 920407F | 902.1 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 39TH AVENUE | PHOENIX |
| 748334C | 902.17 | XBucks | Concrete Slab | 0 / 0 | 0 / 10 | ROOSEVELT STREET | PHOENIX |
| 748291L | 902.2 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 41ST AVENUE | PHOENIX |
| 748740Y | 902.38 | XBucks | Wood Plank | 0 / 0 | 5 / 10 | JEFFERSON ST. | PHOENIX |
| 741446C | 903.8 | XBucks | Plank and Asphalt | 0 / 0 | 0 / 10 | COCOPAH ST | PHOENIX |
| 741447J | 903.96 | XBucks | Asphalt | 0 / 0 | 0 / 10 | PAPAGO | PHOENIX |
| 741460X | 905.33 | XBucks | Asphalt | 4 / 3 | 0 / 20 | 13TH AVE | PHOENIX |
| 741461E | 905.46 | XBucks | Asphalt | 4 / 3 | 0 / 20 | 11TH AVE | PHOENIX |
| 741480U | 906.64 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 5TH STREET | PHOENIX |
| 741493K | 907.17 | XBucks | Asphalt | 0 / 0 | 0 / 15 | GRANT ST. | PHOENIX |
| 741498U | 907.71 | XBucks | Asphalt | 0 / 0 | 0 / 15 | PIMA ST. | PHOENIX |
| 741500T | 907.72 | XBucks | Asphalt | 0 / 0 | 0 / 10 | DURANGO | PHOENIX |
| 741514B | 907.84 | XBucks | Asphalt | 0 / 0 | 0 / 10 | HADLEY ST | PHOENIX |
| 748701H | 908.15 | XBucks | Asphalt | 0 / 0 | 0 / 10 | WATKINS ROAD | PHOENIX |
| 748702P | 908.45 | XBucks | Wood Plank | 0 / 0 | 0 / 10 | UNIVERSITY DRIVE | PHOENIX |
| 916290T | 908.87 | XBucks | Wood Plank | 0 / 0 | 0 / 10 | 10TH STREET | PHOENIX |
| 741511F | 910.44 | XBucks | Asphalt | 3 / 0 | 0 / 10 | MAGNOLIA | PHOENIX |
| 741509E | 910.56 | XBucks | Asphalt | 0 / 0 | 0 / 10 | 21ST STREET | PHOENIX |
| 748738X | 917.75 | XBucks | Sectional Timber | 0 / 0 | 0 / 10 | ENCANTO DRIVE | TEMPE |
| 748739E | 917.85 | XBucks | Asphalt | 0 / 0 | 0 / 10 | ENCANTO DR | TEMPE |
| 741655K | 922.14 | XBucks | Asphalt | 0 / 0 | 0 / 15 | SIRRIE ST | MESA |
| 741656S | 922.29 | XBucks | Asphalt | 0 / 0 | 0 / 10 | HIBBERT ST | MESA |

| | | | | | | | |
|---------|--------|--------|-------------------|--------|--------|-------------------|-------------|
| 741840E | 941.83 | XBucks | Asphalt | 0 / 0 | 0 / 10 | RITTENHOUSE RD | QUEEN CREEK |
| 741419F | 957.14 | XBucks | Wood Plank | 2 / 2 | 0 / 15 | ARIZONA BLVD | COOLIDGE |
| 741441T | 971.83 | XBucks | Asphalt | 2 / 2 | 0 / 60 | CORINMAN RD | PICACHO |
| 741442A | 972.83 | XBucks | Asphalt | 2 / 2 | 0 / 60 | HANNA RD | PICACHO |
| 741696P | 973.83 | XBucks | Asphalt | 2 / 2 | 0 / 60 | ARICAL RD | PICACHO |
| 741697W | 974.87 | XBucks | Wood Plank | 2 / 2 | 0 / 60 | SHEDD RD | PICACHO |
| 741699K | 976.89 | XBucks | Asphalt | 23 / 2 | 0 / 45 | BATTAGLIA | PICACHO |
| 741700C | 977.87 | XBucks | Asphalt | 3 / 2 | 0 / 60 | ALSDORF RD | PICACHO |
| 760779E | 0.8 | XBucks | Asphalt | 0 / 0 | 0 / 25 | 4TH AVENUE | YUMA |
| 748170N | 1.75 | XBucks | Asphalt | 0 / 0 | 0 / 20 | ALAMEDA STREET | TEMPE |
| 748703W | 1.76 | XBucks | Asphalt | 0 / 0 | 0 / 20 | WILSON STREET | TEMPE |
| 741581V | 9.16 | XBucks | Asphalt | 2 / 0 | 0 / 10 | ALLISON RD | TEMPE |
| 741582C | 9.41 | XBucks | Asphalt | 2 / 0 | 0 / 10 | WILLIS RD | TEMPE |
| 748747W | 9.68 | XBucks | Sectional Timber | 0 / 0 | 0 / 10 | SUNSET ROAD | CHANDLER |
| 748748D | 9.9 | XBucks | Sectional Timber | 0 / 0 | 0 / 10 | GERMANN ROAD | CHANDLER |
| 760772G | 732.35 | XBucks | Plank and Asphalt | 0 / 0 | 0 / 25 | PENITENTARY STREE | YUMA |
| 903109L | 732.5 | XBucks | Asphalt | 0 / 0 | 0 / 25 | FACTOR STREET | YUMA |
| 760771A | 732.55 | XBucks | Asphalt | 0 / 0 | 0 / 25 | PENITENTARY AVEN | YUMA |